



IN THE HIGH COURT OF JUDICATURE AT MADRAS

TUESDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY

WEB COPY

PRESENT:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.3005 of 2013

1.Settu @ Sheikbai

2.Mumtaj

.. Appellants/Claimants

Vs.

1.Sumathi

(R1 remained exparte before the Tribunal)

2.The Divisional Manager,

M/s.Cholamandalam General Insurance Company Limited,

Having their office at "Dare House", 2nd Floor,

New No.2, (Old No.234), N.S.C.Bose Road,

Chennai - 600 001.

.. Respondents/Respondents

Prayer:Civil Miscellaneous Appeal filed against the order of the judgment and decree dated 29.06.2012 made in M.C.O.P.No.231 of 2008 on the file of the Motor Accident Claims Tribunal, District Court, Thiruvanamalai.

Decree:This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal,the order of the Lower court and the material papers in the case and upon hearing the arguments of MR.F.Terry Chella Raja,Advocate for the Appellant and of Mr.E.Rajadurai for Mr.N.Vijayaraghavan, Advocate for the Second Respondent and the first Respondent having set Exparte in lower Court itself the Appellants/ Claimants having paid by the Additional Court fees in respect of the enhanced award amount vide SR.No.21461 dated:02.08.2021,and this court while allowing this Civil Miscellaneous Appeal observing that the Appellant shall not be entitled for any interest for the delay period on the amount of Rs.2,45,000/- (Rs.Two Lakhs Forty Five Thousand Only) enhanced by this Court as per the order of this Court dated 20.08.2013 in MP.No.1 of 2013 in CMASR.NO.41718 at 2013 doth order and decree as follows:

i)that the award of the Tribunal be and hereby is enhanced from Rs.2,75,000/- (Rs.Two Lakhs Seventy Five Thousand Only) to Rs.5,20,000/- (Rs.Five Lakhs Twenty Thousand Only) along with



interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

ii)that the respondents 1 & 2 herein/ Respondents be and hereby are directed to deposit the enhanced award amount now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment.

iii)that on such deposit being made, the appellants herein/Claimants be and hereby are permitted to withdraw their respective share of the award amount along with proportionate interest and costs, less the amount if any, already withdrawn by filing necessary applications before the Tribunal.

iv)that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
District Judge,
Thiruvanamalai.

Copy to:

The Section Officer,
VR Section, High Court, Madras.

+1cc to M/s.M.Malar, Advocate, S.R.No.23914

+1cc to Mr.M.B.Gopalan, Advocate, S.R.No.24183

Dated:17.03.2020

DECREE

C.M.A.No.3005 of 2013

Allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree dated 29.06.2012 made in M.C.O.P.No.231 of 2008 on the file of the Motor Accident Claims Tribunal, District Court, Thiruvanamalai etc as stated within.

VD(CO)

A.SK(27.09.2021)